

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

BRANDON HOWARD, )  
 )  
 Plaintiff, ) CIVIL ACTION NO.  
 )  
 v. ) 2:17cv818-MHT  
 ) (WO)  
 J. ANGLIN, et al., )  
 )  
 Defendants. )

ORDER

During the pretrial hearing on March 18, 2021, defendant Keith Edwards noted that he now lives out of state and stated that he may want to participate in the trial virtually, which would include offering testimony by videoconferencing if he chooses to testify. Plaintiff Brandon Howard objected to this request. Federal Rule of Civil Procedure 43(a) states that, while witnesses' testimony must generally be taken in open court, "[f]or good cause in compelling circumstances and with appropriate safeguards the court may permit testimony in open court by contemporaneous transmission from a different location."

Accordingly, it is ORDERED that, if defendant Keith Edwards, or any other named defendant, intends to offer testimony by videoconferencing at trial, he must file, by May 3, 2021, a motion pursuant to Federal Rule of Civil Procedure 43(a) asking for permission and explaining why he should be allowed to testify by videoconferencing.

DONE, this the 22nd day of March, 2021.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE